

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

THOMAS V. GIRARDI

No. 23 CR 54-1

Judge Ronald A. Guzman

MOTION FOR ORDER REGARDING COMPETENCY PROCEEDINGS

Pursuant to 18 U.S.C. § 4241(b) and this Court's order of March 8, 2023, the United States of America, by MORRIS PASQUAL, Acting United States Attorney for the Northern District of Illinois, moves for the entry of the Proposed Order attached hereto as Exhibit 1.

Specifically, on March 8, 2023, the Court entered an order (R. 47) under 18 U.S.C. § 4241(a), finding reasonable cause to commence competency proceedings regarding the defendant, and ordering the parties to be prepared at the next status hearing to discuss the manner in which those proceedings shall proceed (the status hearing is set for April 13, 2023, at 10 a.m.). Since issuing that order, the Court in the defendant's case in the Central District of California issued an order setting forth the manner in which the defendant's competency proceedings are to proceed in that case. (*See* No. 23CR42, Staton, J., C.D.Cal., R. 54, attached as Exhibit 2.) Among other things, that Court's order requires the parties' respective experts to examine the defendant in that district (where he resides in an assisted living facility) and to submit their reports by May 26, 2023, to be followed by briefing and then a hearing on August 3, 2023.

Because there is no need for the defendant to be subjected to two sets of identical competency examinations, the government proposes that the expert examinations and reports in the CDCA case be deemed to satisfy the requirements of 18 U.S.C. § 4241(b) in this case. To be clear, the government is not proposing at this time that any hearing or adjudicating in the CDCA case be deemed to satisfy the requirements of 18 U.S.C. §§ 4241(c) or (d) in this case—only that there is no need for the experts to conduct the same examinations twice, once for each case.

WHEREFORE, the government requests that the Court enter the Proposed Order attached hereto as Exhibit 1.

Respectfully submitted,

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